IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 682 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NIJAMUDDIN ABDUL JALIL ANSARI - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
THROUGH JAIL for Applicant(s) : 1,
MT KT DAVE, ADDITIONAL PUBLIC PROSECUTOR for the Respondents

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 03/05/2006

ORAL JUDGMENT

1. Rule. Mr.K.T.Dave, learned Additional Public Prosecutor waives service of rule on behalf of the respondents.

2. Present is the application received through jail. The petitioner – convict has prayed for grant of temporary bail for 30 days for house repair.

Earlier he had made a similar request to the District Magistrate, Vadodara. The same was rejected by communication dated 01.12.2005 mainly on two grounds, one is that as there being election, the parole cannot be granted and second, the ground put forward for grant parole leave was not found to be reasonable and no evidence was produced.

3. In this application also, the petitioner – convict has not produced any evidence despite the fact that the application of the petitioner – convict was not considered by the District Magistrate in absence of the evidence.

In view of this, the application is rejected. Rule is discharged.

4. However, it is clarified that in future if the petitioner – convict places on record necessary evidence, the same be considered by the District Magistrate in accordance with law.

(RAVI R.TRIPATHI, J.)

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